

ADDRESS



TO THE CITIZENS OF THE

STATE OF OHIO,

CONCERNING WHAT ARE CALLED

THE BLACK LAWS.

ISSUED IN BEHALF OF THE SOCIETY OF FRIENDS OF INDIANA
YEARLY MEETING, BY THEIR MEETING FOR SUFFERINGS,
REPRESENTING THE SAID YEARLY MEETING
IN ITS RECESS.

[A LARGE PORTION OF THE MEMBERS RESIDE IN THE STATE OF OHIO.]

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The following Address is from the representatives of Indiana Yearly Meeting of the Society of Friends, (commonly called Quakers,) composed of the members in the Western part of Ohio, the States of Indiana, Illinois, and Iowa, issued at their meeting held at White-water meeting house, near Richmond, Indiana, called the Meeting for Sufferings of Indiana Yearly Meeting, to the citizens of Ohio, pleading with them to use their influence to have their statute laws repealed that bear oppressively on the coloured population; which, in feelings of Christian love is recommended to the serious perusal and consideration of all.

Signed on behalf of said Meeting by

THOMAS EVANS, *Clerk*

ADDRESS.

Believing as we do that righteousness exalteth a nation, but sin is a reproach to any people,* and that practices established by the laws, or supported by the usages of a community, which are inconsistent with the laws of universal righteousness, must bring down upon such community the displeasure of Almighty God, who is no respecter of persons;† but regards the lowly as well as the great, and in whose hands are the destinies of nations, as well as of individuals; we are induced from apprehensions of religious duty, and a desire to promote as far as we may be enabled, the peace and prosperity of our common country, to solicit the serious attention of our fellow citizens to the laws now in force in the State of Ohio bearing oppressively on our colored population—usually termed *the black laws*.

When we reflect that God hath made of one blood all nations of men, for to dwell on the face of the earth,‡ and that our blessed Redeemer in his instructions to his disciples commanded them to teach, or proselyte all nations,§ and thus declared his gracious design, that all, without distinction of nation or color, should be brought within the sacred enclosure of the universal church, it appears impossible to resist the conviction, that usages or laws which measure the rights and privileges of the African race by a lower standard than that which we apply to our own, are irreconcilable with the manifested will of our Great Creator, and with the imperative declaration of our blessed Savior “all things whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets.”¶

* Prov. 14. 34.

‡ Acts 17. 26.

† Acts 10. 34.

§ Math. 28. 19

¶ Math. 7. 12.

But we apprehend the laws of Ohio, in relation to the colored race, are not only incompatible with the precepts and tenor of the gospel, (which we profess to believe, and to be governed by,) but with the spirit and principles on which our government is ostensibly founded.

It may be remembered that nearly sixty years ago the Congress of the confederation adopted an Ordinance declaring that in the territory north west of the Ohio, of which the State of Ohio now constitutes a part, there should be neither Slavery, nor Involuntary Servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; and this Ordinance so proscriptive of slavery, had, as we understand, the unanimous sanction, through the votes of the delegates, not only of Virginia, but of the Carolinas and Georgia.

Here this extensive territory, then almost unoccupied by civilized man, was solemnly guarded from the intrusion of slavery. Here we might have reasonably hoped, that the descendants of Africa, who in several of the states were degraded below the common level of humanity, and held as the property of their fellow man, in several of the States, and treated rather as aliens and outlaws in others, would find a country and a home, where they would be permitted and encouraged to unite with their fairer compatriots, in reducing the primeval forest under cultivation, and where criminal designs would not be necessarily inferred from the darkness of the skin.

This Ordinance was not only adopted in its fullest extent, in the Constitution of the State; but it is laid down among the unalterable principles of free government "that all men are born equally free and independent, and have certain, natural, inherent, and unalienable rights, among which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety."

Now, fellow-citizens let us compare the *black laws of Ohio*—so called by common consent—with the foregoing Ordinance, and the liberal principles set forth in the Con-

stitution. We will begin the dark catalogue with that of 1804—as follows:

An Act to regulate black and mulatto persons:

SEC. 1st. Be it enacted by the General Assembly of the State of Ohio, that from and after the first day of June next, no black or mulatto person shall be permitted to settle or reside in this State, unless he or she shall first produce a fair certificate from some court within the United States, of his or her actual freedom; which certificate shall be attested by the clerk of said court, and the seal thereof annexed thereto by the said clerk.

SEC. 2. That every black or mulatto person residing within this State, on or before the first day of June, one thousand eight hundred and four, shall enter his or her name, together with the names of his or her children, in the clerk's office, in the county in which he, she or they reside, which shall be entered on record by said clerk; and thereafter the clerk's certificate of such record shall be sufficient evidence of his, her or their freedom; and for every entry and certificate, the person obtaining the same shall pay to the clerk twelve-and-a-half cents: provided, nevertheless, that nothing in this act contained shall bar the lawful claim to any black or mulatto person.

SEC. 3. That no person or persons, residents of this State, shall be permitted to hire, or in any way employ, any black or mulatto person, unless such black or mulatto person shall have one of the certificates as aforesaid, under pain of forfeiting and paying any sum not less than ten nor more than fifty dollars, at the discretion of the court, for every such offence; and one half thereof for the use of the informer, and the other half for the use of the State; and shall moreover pay to the owner, if any there be, of such black or mulatto person, the sum of fifty cents for every day he, she or they shall in any wise employ, harbor or secrete such black or mulatto person; which sum or sums shall be recoverable before any court having cognizance thereof.

An Act to amend the last named act, passed January 25th, 1807:

SEC. 1. Be it enacted by the General Assembly of the State of Ohio, that no negro or mulatto person shall be permitted to emigrate into and settle within this State, unless such negro or mulatto person shall, within twenty days thereafter, enter into bond with two or more freehold sureties, in the penal sum of five hundred dollars, before the clerk of the court of Common Pleas of the county in which such negro or mulatto may wish to reside, (to be approved by the clerk,) conditioned for the good behaviour of such negro or mulatto, and moreover to pay for the support of such person, in case he, she or they should thereafter be found within any township in this State, unable to support themselves. And if any negro or mulatto person shall migrate into this State, and not comply with the provisions of this act, it shall be the duty of the overseers of the poor of the township where such negro or mulatto person may be found, to remove immediately such black or mulatto person, in the same manner as is required in the case of paupers.

SEC. 2. That it shall be the duty of the clerk, before whom such bond may be given as aforesaid, to file the same in his office, and give a certificate thereof to such negro or mulatto person; and the said clerk shall be entitled to receive the sum of one dollar for the bond and certificate aforesaid, on the delivery of the certificate.

SEC. 3. That if any person being a resident of this State, shall employ, harbor, or conceal any such negro or mulatto person aforesaid, contrary to the provisions of the first section of this act, any person so offending shall forfeit and pay, for every such offence, any sum not exceeding one hundred dollars, one half to the informer, and the other half for the use of the poor of the township in which such person may reside; to be recovered by action of debt, before any court having competent jurisdiction; and moreover be liable for the maintenance and support of

such negro or mulatto, provided he, she or they shall become unable to support themselves.

SEC. 4. That no black or mulatto person or persons shall hereafter be permitted to be sworn or give evidence in any court of record, or elsewhere, in this State, in any cause depending, or matter of controversy, where either party to the same is a white person; or in any prosecution which shall be instituted in behalf of this State against any white person.

An act passed under date of February 27th, 1834, provides for the recording, endorsing, &c., of the certificate required by the foregoing acts. Then follows sundry sections to enable slave owners to recover their fugitives from labor.

The whole of the laws which we have here brought into notice, we would respectfully submit, are part and parcel of the slave system, and no way in keeping with free institutions. "Slavery," said Judge Mansfield in his decision of the Somersett case, "is of such a nature that it is incapable of being introduced upon any reasons, moral or political; it is so odious that nothing can be suffered to support it, but positive law." Somersett was accordingly discharged, not because his freedom was proved, but because his detention in slavery was not allowed or approved by the law of England. Freedom is manifestly the rule, slavery the exception. The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial or state laws.*

Of course the laws establishing slavery in other States lose all their authority within the free State of Ohio, except so far as it is extended by the constitution and laws of the United States. Now that constitution gives to the owners of slaves the power to reclaim them, and the law of Congress of 1793 sufficiently enforces that power. Rendering State legislation, especially by free States, supererogatory; and as encouraging, rather than condemning the

*Decision of Supreme Court, in case of Prigg vs. Cone, of Pennsylvania.

unrighteous practice of slave-holding. Should not every conscientious citizen of the State of Ohio shudder at the thought of being accessory to the guilt and sin of slavery; and are they not so, and will they not continue to be so, while they quietly acquiesce in the continuance of these laws? Much to the credit of Pennsylvania, notwithstanding she borders upon several slave States; she has recently withdrawn her facilities to the slave owner for the recovery of his fugitive from labor; and so ought Ohio and all other free States.

Now, fellow citizens, let us seriously consider whether the laws which we have copied into this Address, drawing the degrading distinctions they do, between the descendants of the African race and our own, can be reconciled with the laws of justice and humanity, or with the principles on which our government is professedly erected? Are they framed so as to fulfil the primary object of law: the protection of the weak against the encroachments of the powerful?—are they calculated to *recognize and unalterably establish the general great and essential principle of liberty and free government?**

Upon what principle can we provide one law for the colored race and another for our own?

The negro or mulatto, no less than the white man, is an object of Redeeming Love, and born according to the laws of nature, equally free with ourselves. Freedom, is an inherent right, not to be forfeited, except by crime legally proved. To require such an one to prove his freedom is in reality to demand that he should prove a negative: a species of proof unknown to the legal profession. Now the law of 1804 provides that no black or mulatto person shall be permitted to settle or reside in Ohio, unless he or she shall first produce a fair certificate from some court of record of his or her actual freedom. This provision not only lays, as we apprehend, a burden on the colored race which we should feel to be very unjust, and unrea-

* See Constitution of Ohio, article 8.

sonable, if applied to ourselves; but it seems to be a perversion of an established principle of law.

Section 3, of the law of 1804, as will be seen, provides that no person or persons, residents of this State, shall be permitted to hire, or in any way employ, any black or mulatto person, unless such black or mulatto person shall have a certificate of his or her right to freedom, under pain of forfeiting and paying any sum not less than ten, nor more than fifty dollars. This, we apprehend, is a palpable encroachment on the rights of the citizens of the State, and is in reality felt to be so by a large number.

It is indeed difficult to conceive upon what principle such a law can be defended. A law so impolitic and unjust, we apprehend, could not be enacted in this enlightened day. Why, then, continue it in force? Or do we prefer to wear shackles upon our own legs, and impede our own prosperity, in order to render more secure and available the institution of slavery in our sister States. If a man, whatever the pressure of business may be, cannot employ a colored person who may be able and willing to assist him, without being exposed to a penalty; in a country, too, where every man should of right be presumed to be free, we certainly hold our property and our rights by a very precarious tenure. What an absurdity, that a man should be required to carry in his pocket a certificate that he is, what God has made him—free! A condition which our Bill of Rights, as well as the Constitution of Ohio declares, belongs by nature, to all men—an inherent right of which he could never have been deprived but by force applied in his own person, or exercised upon his ancestors.

If a colored person, ignorant of those unnatural and unrighteous laws comes into the State, without such certificate, and is destitute of property, must he be driven to beggary or to theft, though able and willing to labor for his subsistence? Certainly, policy, as well as humanity, forbids it. Does the religion of Jesus Christ and his Apos-

ties teach or justify such cruelty and oppression towards a dependent race of our fellow beings?

Who so fitly, as the poor African, represents the man whom we read of in the Gospel, that fell among thieves, and was stripped of his raiment, and wounded, and left half dead*—dragged by merciless hands from his native land; robbed of all the dearest rights of life, and doomed to degradation and unrequited toil; for these and no other assignable causes, prejudice fixes upon him and his posterity the unjust distinctions and disabilities imposed by the unequal laws which are the subject of this appeal.

The provision which renders the employer of a person who may be afterwards found to have been a fugitive slave, not only subject to a penalty, but also amenable to the owner whenever he may appear, recognizes a right in such owner not reconcilable with the declaration above cited from the Constitution of Ohio. If "all men are born equally free," slavery is a violation of natural right, and the claim of the master to the service of the slave is an assumption, not the assertion of a right. Does it become the authorities of a free State to enforce such a claim at the expense of our own citizens? This provision of law, as it stands, goes even further than the law of Congress of 1793, and also of important decisions had in the case. By these, before the penalty is incurred, proof must be made that the person employing, or harboring, knew the person employed was a fugitive slave. The peace of society may require our submission to acts of injustice or oppression when redress cannot be obtained by legal and constitutional means, but the people of the non-slave-holding States are, as we have already said, under no obligation to afford an *active* support to the system of slavery. Our moral and religious obligations are unquestionably on the side of freedom. We repeat, that the submission on the part of the non-slave-holding States

* Luke x: 30.

to the law of Congress of 1793, relating to fugitive slaves, is all that the slave States can demand or expect.

The first section of the act of 1807, amendatory of the law of 1804, provides, as will be seen, that no negro or mulatto persons shall be permitted to emigrate into and settle in Ohio, without giving bond with security in the sum of five hundred dollars for their good behaviour and maintenance. The demand of security for good behavior is understood to imply that the party may be convicted of some misdemeanor. There is probably no legal axiom more fairly established than that innocence is always to be presumed, where guilt is not proved. And all experience demonstrates that the surest method of rendering a man an enemy is to treat him as one.

A man that would have friends must show himself friendly. To presume that a person of whose actual character nothing is known, is more likely to disturb the peace of the community, merely because of an African origin, is, we are fully convinced, to disregard the lessons of experience.

When we reflect upon the injustice meted out to the descendants of the African race in this country, the laws and usages by which their rights are violated in many of the States; their education prohibited by law in some; and their improvement retarded in nearly all; and remember how few violent efforts they have made to redress their wrongs, we can hardly resist the conviction, that, taken as a mass, they are a patient and peaceable people. Would the Anglo-saxon race have submitted, under similar circumstances, to equal injustice without more numerous acts of violence? Where, then, fellow-citizens; where, then, fellow professors of the Christian religion, do we find occasion for the enactment and continuance of a law requiring this helpless people to give security for their good behavior? How far can the citizens of Ohio lay claim to the character of humanity and benevolence, while they require security of these people, in advance, for their maintenance, in case of inability to support themselves?

Such a rule, if applied to people of every complexion, would exclude from emigration the class of settlers upon whom the prosperity of the State principally depends. Why, then, upon principles of common policy; to say nothing of humanity and a sense of justice, can we make the distinction now under consideration? Those who rely chiefly upon the labor of their hands for their support, constitute the bone and sinew of society. A proposal to adopt the provisions of this section of the law, in case of white emigrants, would no doubt be rejected without hesitation. And we are unable to discover any valid reason why they should be applied to the colored race rather than to our own. We believe it will be found, on enquiry, to be a fact, that in States where justice is meted out to these people with the most equal hand, there we shall find the greatest prosperity. Making good the Scripture declaration,—“But the liberal deviseth liberal things; and by liberal things shall he stand.”* Every citizen of Ohio who is in the habit of traveling, must be aware of the fact, that in our hotels and steamboats, a large proportion of the service is performed by colored persons. Thus they are contributing greatly to our convenience and comfort, notwithstanding our inhibitory laws and deep rooted prejudices.

The third section of the amendatory act of 1807, imposing a penalty of one hundred dollars for employing any negro or mulatto who has not complied with the several provisions of the above laws, is so manifestly unreasonable and unjust, as well towards our own citizens, as towards the coloured race, as to require but little comment. We need only observe that this provision of the law is violated daily and hourly by our best citizens; proving that it is a dead letter; except in the hands of the most unprincipled and unfeeling; or used as an engine of revenge; in such cases it is capable of being made vexatious, and oppressive, in a high degree; and on this account, if no other, ought at once to be repealed.

*Isaiah xxxii. 8.

Let us now take a passing notice of the 4th section of the law of 1807, disqualifying coloured persons from giving evidence, &c. As every act of legislation is supposed to be designed to redress some evil, or to procure some advantage, we naturally inquire what was the evil to be redressed or advantage to be gained by this provision of law? Was it supposed that negroes and mulattoes were too much addicted to mendacity, and too artful in concealing their falsehoods from the penetration of judges and jurors to be trusted to give evidence in a court of law? If that opinion was entertained why were they permitted to give testimony in any case? or was it deemed less desirable that the truth should appear when coloured only were concerned, than where one or both parties happened to be white? or may we not fear that the object was to prevent the people of color from obtaining redress for outrages committed upon their persons, or property, by unprincipled whites? Whatever the motive of the legislature may have been; whether the act was designed to secure the people of our own color against the just demands of the negro race, or whether it was dictated by that cruel and ineffable contempt with which the descendants of Africa have long been regarded, the effect of it can scarcely be mistaken. While this provision stands unrepealed, the coloured inhabitants of the State have little to expect from the protection of law, even in cases of the grossest outrage. And now let us soberly ask what possible injury could be apprehended from permitting persons of every complexion to state what they know in courts of law, and subjecting their testimony to the rigid scrutiny of the bar, to the explanations of the bench, and the deductions of the jury box? Is it reasonable to believe that more falsehoods could be palmed upon the community and left undetected than now are?

As these people are debarred by the terms of the Constitution from participating in the choice of our legislators, and of course can exercise no control over the laws by which they are governed, a situation which we should

hardly think equal and just, if placed in it ourselves, this circumstance furnishes a forcible appeal to our sympathy, and increases the responsibility of those entrusted with the legislation of the State. For he that ruleth over men must be just, ruling in the fear of God.* If we regard these people as strangers, and not as fellow citizens, we ought to remember that among the chosen people of old they were commanded to have "one law to him that is home born and unto the stranger that sojourneth among you."† And the cause of the stranger was frequently and forcibly recommended to their attention.

The Christian religion has broken down the wall of partition between Jews and Gentiles, and teaches us to regard every man as our neighbor, whom we are commanded to love as ourselves.

Now, fellow-citizens, let us seriously inquire whether the acts of violence and outrage by which the colored population was introduced into the United States, have not brought a weight of guilt upon our country which we are bound to expiate, as far as possible, by according to them a liberal participation in the blessings, temporal and spiritual, which have been poured on our favored land? Can we, as citizens of the United States, and above all, as professors of the benign doctrines of Christianity, give countenance to laws which we should deem unjust and oppressive if subjected to them ourselves; which evidently originated in a cruel prejudice, and which are calculated to produce and perpetuate that very degradation of moral and intellectual character which are urged in their defence.

Suppose we solemnly put the question to ourselves, are the people for whom we are constrained to raise the voice of humanity, human beings? Did Christ die for them? Are they objects of redeeming grace and mercy? Now if these are undeniable truths, and God is no respecter of persons, then what justification can be offered for the con-

*2d Samuel xxiii: 3.

†Exodus xii: 43.

tinuance of laws so revolting to every feeling of humanity and justice? While the above laws continue to disgrace the pages of our statute books, how can those who support them respond to our blessed Lord's prayer, "Thy kingdom come; thy will be done, in Earth as it is in Heaven." Or how can they hope to stand approved before HIM by whom an account will be required, when he comes to judge both quick and dead at the great day of judgment, when every one shall be "rewarded according to the deeds done in the body, whether they be good or whether they be evil;" at that day, we say, of the resurrection both of the good and of the bad, and of the just and the unjust, "when the Lord Jesus shall be revealed from Heaven with his mighty angels, in flaming fire, taking vengeance on them that know not God, and obey not the gospel of our Lord Jesus Christ, who shall be punished with everlasting destruction from the presence of the Lord, and from the glory of his power, when he shall come to be glorified in his saints, and admired in all them that believe in that day."*

In conclusion, we devoutly hope that the day is not very distant, when man, in every situation, and every clime and color, shall become the *friend* of man.

* 2 Thess. i. 8.